

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Joseph Wadell Dunbar, Jr., #348569,

Civil Action No. 9:19-0829-RMG

Plaintiff,

v.

State of South Carolina


Defendant.

ORDER

This matter is before the Court upon the Report and Recommendation (“R & R”) of the Magistrate Judge to dismiss Petitioner’s case for lack of prosecution. (Dkt. No. 25.) For the following reasons, the Court adopts the R & R as the order of the Court. On June 10, 2019, the Court issued a *Roseboro* Order advising Petitioner to file a response to Respondent’s motion for summary judgment and specifically informed Petitioner of the importance of filing an adequate response. (Dkt. No. 16.) In addition, Petitioner was informed that if he failed to do so, Respondent’s motion may be granted, ending this case. (*Id.*) The Court granted Petitioner’s requests for extensions of time to respond on July 10, 2019 and September 11, 2019. (Dkt. Nos. 19, 22.) The Court received no response from Petitioner and the time to respond has passed. Petitioner’s lack of response indicates an intent not to prosecute this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte* for failure to prosecute). Accordingly, the Court adopts the R & R as the order of the Court. (Dkt. No. 25.) Petitioner’s case is **DISMISSED WITHOUT PREJUDICE**.

AND IT IS SO ORDERED.

October 24, 2019
Charleston, South Carolina



Richard Mark Gergel
United States District Court Judge